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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,925	07/15/2003	Nathan Myles McClain	GIQ-1	7147

7590

09/22/2005

Neal P. Pierotti  
Dority & Manning, P.A.  
P.O. Box 1449  
Greenville, SC 29602-1449

EXAMINER
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AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/619,925

Applicant(s)

MCCLAIN, NATHAN MYLES

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/06/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 is objected to because of the following informalities: on line 2, "valve" should be changed to -value--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11, 17-21, 28 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (US Patent 6,547,262).

Yamada et al. teaches a skateboard and truck assembly including: a board (1); a housing (15) configured for attachment to the board (1), the housing (15) having a longitudinal axis, the housing (15) having a retaining member (15a); a resilient member (16) retained by the retaining member (15a) of the housing (15); a mounting member (14) having at least one flat surface at an end disposed through the resilient member (16) in the direction of the longitudinal axis of the housing (15) (see column 3, lines 6-8), at least one of the flat surfaces engaging the resilient member (16) and configured to be urged towards the resilient member (16) during relative rotation between the flat surface and the resilient member (16); and a wheel axle (4) retained by the mounting member (14) and pivotal with respect to the housing (15), the axle (4) having at least one

Art Unit: 3618

mounting arm (6) extending transverse to the longitudinal axis of the housing (15); a wheel (clearly shown in Figure 1) rotatably mounted on the mounting arm (6); the housing (15) including a plate (21) configured for attachment to the board (1), and where the retaining member (15a) including at least one pair of legs (as defined by the structure extending into the pivot hole 15a from the circular flange/cap, as shown in Figure 1) attached to the plate (21) and extending from the plate (21); the circular flange/cap (see column 3, lines 8-11) is attached to the ends of the pair of legs opposite from the plate (21); and, an insert (18) retained by the resilient member (16) and contacted by the mounting member (14) such that the mounting member (14) engages the resilient member (16). Re claims 3, 11, 21 and 28, the resilient member is made of urethane rubber, as taught in column 3, lines 6-8.

3. Claims 37, 38, 41 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Dudouyt (US Patent 4,245,848). See Figures 2-6.

Dudouyt teaches a resilient member (46) for use with a truck assembly, including: a body portion having a cavity formed by channels (47) disposed from one end of the body portion to an opposite end of the body portion, the cavity configured for receiving a mounting member (48) of the truck assembly, the cavity configured for resisting torsional forces applied by the mounting member (48); the body portion has a plurality of tendon cavities/channels (47) surrounding the cavity and extending from one end of the body portion to an opposite end of the body portion, the tendon cavities/channels (47) at least partially defined by a plurality of tendons (43) located in

Art Unit: 3618

the body portion; the body portion has eight tendons (43) and eight tendon cavities (47); and an insert (48) that is retained by the body portion and located in the cavity. Re claim 37, applicant's attention is also directed to housing (3), plate (35), retaining member (38), legs (36, 37), cap (which includes washers and nut 49-51), and insert (42).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 12, 23, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. ('262).

Regarding claims 5, 6, 23 and 24, Yamada et al. discloses a resilient member (16) with a cylindrical shape but does not teach a resilient member divided into four sections. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to divide the resilient member into four sections, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Regarding claims 12 and 29, Yamada et al. teaches features of the claimed invention but is silent regarding the durometer value of the resilient member. It would have been obvious to one having ordinary skill in the art, at the time the invention was

Art Unit: 3618

made, to provide a resilient member with a durometer value between 50 Shore A and 60 Shore D to enhance adjustability for tuning the truck assembly to affect steering of the assembly, as suggested in column 3, lines 54-67.

5. Claims 4, 7, 9, 10, 14-16, 22, 25-27, 32-34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. ('262) in view of Dudouyt ('848).

Yamada et al. teaches the claimed invention except for a square or cylindrical pin mounting member; a resilient member having tendon cavities and a plurality of tendons; a resilient member having a generally square shaped cavity with a generally circular shape at each of the four corners; and a resilient member having a generally square shaped cavity with a generally dovetail shape at each of the four corners.

Dudouyt teaches a resilient member having eight tendon cavities (47) and a plurality of tendons/ribs (43).

Based on the teaching of Dudouyt, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to substitute the resilient member of Dudouyt for the resilient member of Yamada et al. because Dudouyt teaches that the shape and arrangement of his resilient member permits a simple adjustment of the neutralizing elastic return force as must be done to adapt the vehicle to the different weights of users as well as their differing expertise in column 4, lines 27-30. Regarding claims 4, 7, 9, 10, 15, 22, 25-27, 33 and 36, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the mounting

Art Unit: 3618

member to have the shape of a square or cylindrical pin and to modify the resilient member to have a square cavity with a circular shape or a dovetail shape at each of the four corners, instead of the generally circular cavity with a generally square shape extending therefrom, since applicant's have presented no evidence that the particular configuration of their resilient member is significant or is anything more than one of the numerous configurations a person of ordinary skill in the art would find obvious for the purposes of providing corresponding mating surfaces in the construction of the resilient member. With further regard to claim 36, the provision of four cylindrical pins instead of the eight flat inserts taught by Dudouyt, would have been an obvious modification to simplify the construction of the truck assembly to reduce manufacturing cost.

6. Claims 8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams ('925) in view of Lee (US Patent 6,648,345).

Williams teaches the features described above.

Williams lacks the teachings of a grinding surface.

Lee teaches an axle (13) including a grinding surface (12).

Based on the teachings of Lee, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a grinding surface to the axle of Williams to protect the axle and the bottom edge of the wheel seat against wearing, particularly for a technical trick performance or race, as taught in column 1, lines 31-33.

7. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams ('925) in view of Oldendorf (US Patent 4,060,253).

Williams teaches the features described above.

Williams lacks the teachings of a wedge.

Oldendorf teaches a wedge (16).

Based on the teachings of Oldendorf, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a wedge to skateboard assembly of Williams to make the skateboard more maneuverable or have more stability, as taught in column 3, lines 7-20.

8. Claims 39, 40, 42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudouyt ('848).

Dudouyt discloses the claimed invention except for a body portion made of urethane and/or rubber. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to make the body portion using urethane and/or rubber, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use (i.e. durability and elasticity).

Regarding claims 39 and 42, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the cross sectional shape of the cavity of the resilient member to be square with a dovetail shape at each of the four corners, instead of the generally circular cavity with a generally square shape



Art Unit: 3618

extending therefrom, since applicant's have presented no evidence that the particular configuration of their resilient member is significant or is anything more than one of the numerous configurations a person of ordinary skill in the art would find obvious for the purposes of providing corresponding mating surfaces in the construction of the resilient member.

Dudouyt discloses a resilient member including two sections but does not teach a resilient member including four sections. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to divide the resilient member into four sections, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gabbin shows a vibration damper block.

Wolf et al. shows a rubber spring element.

Jorn et al. shows a prestressed composite spring element.

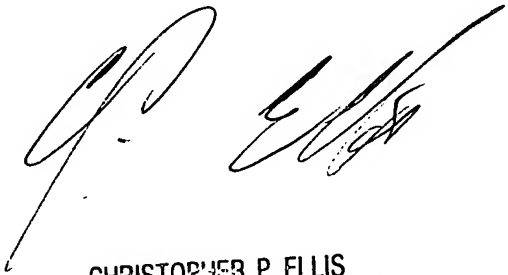
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

  
Avery

September 15, 2005

  
CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600